

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
March 13, 2023

Planning Commissioners Present: Bill Branigan (*by video*), Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike (*by video*), and Marjorie Blom.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Vice Chair Berman called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Regular Session Meeting Minutes of February 27, 2023.**

MOTION was made by Chair Branigan, seconded by Commissioner East to approve the Planning Commission Regular Session meeting minutes of February 27, 2023 with minor corrections. The motion carried unanimously in a voice vote.

3. **Action Items.** None were heard.

4. **Public Comment.** None were heard.

5. **Public Hearings.** At 7:02 p.m. Vice Chair Berman opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioners Hanselman, East, and Berman reported site visits. Berman called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. 1-CUP-23 / 1-ADJ-23: Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

Tokos acknowledged the public testimony received after the hearing packet was published from Charlotte Boxer, Jon Baker of the Bay View Condo Association, Adirana Buer, Elizabeth Reyes with Family Promise of Lincoln County, Gervacio Castillo, Mary Young with Latta's Fused Glass, Tom Briggs, and Karla Clem with the Pacific Community Health District Foundation. Tokos shared a zoning map of the Bayfront from 2018 noting that the Apollos building had be demolished in 2020. He then shared an image from 2021 of the terrain elevations, and the water and wastewater lines to the property. Tokos reviewed the images of the plans for the new development that included commercial spaces and parking areas on the first floor, and hotel space on the second and third floors. He then shared an illustration of the proposed retaining wall location.

Tokos reviewed the staff report with the Commission and explained what the request was and what the approval criteria would be. He covered the setbacks, retaining wall, and parking district

considerations. Tokos then went over the compact parking considerations. He reported that the fire access had been approved by the Fire Department. Tokos reviewed the conditional use permit criteria, the considerations for the characteristics of the historic Bayfront, and the overall mass and scale of the hotel. Blom asked if the Landing hotel was located on the Bayfront. Tokos confirmed it was and reported that it was in the W-2 zone as well.

Tokos reported they received public comment requesting a traffic impact analysis be done. This project didn't hit the specific threshold of 500 average daily trips (ADTs) needed before a traffic impact analysis was required. They were also below the 50 PM peak hour trips as well. Berman asked for an explanation of how this project fell under the 50 PM peak hours. Tokos explained that they used the Institute of Traffic Engineers trip generation ratios for different uses which included a breakdown of the vehicle trips that were generated and how this use fell under the threshold for the 500 ADTs and 50 pm peak hours.

Tokos noted the public comment request for a parking study and a business feasibility study wasn't required by the code. Tokos thought that if the Commission approved the request they should include the conditions listed on the staff report. Tokos noted the plans that were submitted weren't construction plans and they would have to meet all the building and fire codes for permitting. They would also need to address the retaining wall and the parking for guests.

Berman asked Tokos to discuss the relationship between the allowed allowances the on street parking that they were getting credit for, and the upcoming metering of both of the streets there. Tokos reported the city was moving forward with metering in the Bayfront which was a combination of meter only, meter permit, and timed permit limitations, depending upon the location of where you were at. The area by the hotel would be meter only from 11 am to 7 pm, from May to October. The off season would be metered only on the weekends from November to April. Tokos noted that the Abbey St parking would be a metered permit area. The city was working on wrapping up the contract with the chosen vendor and the Advisory Committee to get these changes implemented this in late spring or early summer. These changes did not apply to private parking areas such as at Ripley's, and there was nothing in the rules to require that the hotel charge guests a fee to use their parking areas. Blom asked if the applicant would have to provide ADA parking. Tokos confirmed they did and were providing two that were close to the elevator.

East asked if they didn't do the six foot retaining wall and just rebuilt the existing one, would it increase the space by six feet allowing them to use the existing landscape to offset that requirement, and allow them to expand some of the compact parking. Tokos noted the depth of the stalls wasn't the issue here, it was more about the width of the stalls. East asked if the Fire Department had any problems with access if they built the six foot retaining wall. Tokos confirmed this was correct because they would have nine feet clearance between the wall and the building proper.

Hanselman asked if most of the businesses on the Bayfront didn't have off street parking on their properties. Tokos couldn't think of any that provided all the required parking. He explained there were a number of businesses that had no off street parking, particularly those that were on the bay side of Bay Boulevard. Tokos noted that he thought that Clearwater Restaurant bought a lot to use for additional parking as a private lot. Escobar didn't think that was correct and questioned if Clearwater purchased the property. Tokos clarified that he didn't know for certain if it was purchased by Clearwater, but knew that the property was acquired to use for parking. He noted they weren't required to have the lot for parking.

Hanselman asked if this development was required to have off street parking. Tokos confirmed they were. Hanselman asked how many spaces were required. Tokos noted that the parking code stated that where there was an existing use, whatever the existing parking arrangement was for that existing use was what it was set as. They would then need to provide off street parking for whatever the additional impact or demand was. Tokos noted the existing use was assessed for the Apollos building that was torn down two years earlier, and for the restaurant and gallery building that was still there, but the businesses that had ceased over two years prior. The applicants were asking for an adjustment so they didn't have to have all of the parking on private property and count some on the public space. They were proposing that the needs of the hotel be addressed with their 46 off street parking spaces, which would then still leave them with an additional 17 spaces that would be accommodated in the public space if the adjustment was approved. Or, the Commission could say they had to provide 100 percent of the parking, less five spaces, because they were in the parking district. Blom asked if they were looking at this as if there wasn't any parking there. Tokos noted the applicant had to come in assuming that the Apollos, the restaurant and the gallery were no longer existing uses, and to have all of their parking off-street and treat it as a blank slate. What they were proposing was to provide 46 spaces off street spaces, and have 17 spaces that were accommodated on the street. This would get them a 70/30 split on parking, which was less of an impact to what was there before. Tokos noted that they had a sense of the congestion in the area because of the past use. He thought the Commission should consider the prior uses when they were thinking about the relative congestion on the Bayfront.

Hanselman thought it was fair to say that most businesses on the Bayfront provided some off street parking, but most rely on public parking on the street. He pointed out that this project wasn't asking for something that wasn't already being given to existing businesses. Hanselman noted there were businesses that didn't have off street parking spaces but paid the parking district fees. Tokos confirmed that businesses had to pay a business licenses surcharge for the parking district which was intended to go away once the meters were implemented. The fees were based on the number of employees they had and were a few hundred dollars a year. Hanselman asked if the 30 percent reduction was within their right and was acceptable to the city's ordinances. Tokos explained they had a right to ask for an adjustment up to 40 percent before it became a variance. He thought they needed to look at what the impact was versus what was there before. Tokos thought this was a reasonable way to look at it to say that it was consistent with the mix of public/private parking they saw on the Bayfront. He pointed out the developer would be providing more parking than the prior use.

Escobar noted that the businesses that were there prior were different types of businesses. These were restaurants, galleries, and dance halls which didn't operate at the same time of the day. Tokos thought that was fair and pointed out that Apollo's was almost 36 parking spaces per the ratios and was the biggest part of the 49 trips for the existing use. Escobar pointed out the parking behind Apollo's wasn't used. Tokos acknowledged this and pointed out they needed to look at hotels being lodging. Most guests were gone by 11 am before the meters kicked in and then the checked in between 3 to 4 pm.

Escobar asked if compact spaces widths were different from regular spaces. Tokos reported the compact stalls would be 7.5 feet at the narrowest width. The applicant wasn't proposing a depth reduction, only a width reduction. Berman asked how many stalls there would be if the compact stall variance wasn't granted. Tokos explained that this would be on the applicant to provide a revised plan for the parking. If they went that route the Commission should direct the applicant to provide details and do a continuation of the hearing.

Berman noticed that they had four ADA rooms and only two ADA parking spaces. He asked if each room was required to have an ADA parking space. Tokos understood that the Specialty Code keyed the number of ADA spaces off of the number of parking spaces that were required. He would have to take a look at this, and if there was another requirement they would have to address it. Berman reported that he found in the Specialty Code where it said that there needed to be one ADA parking space provided for every sleeping unit. He thought this needed clarification.

Urdike noted there was a restriction of the square footage of the ancillary enclosure above the 35 foot level and asked if there was a restriction on the height of it. He also wanted to know if there was a screening requirement for HVAC and other equipment on roof. Tokos reported the relative height of this couldn't exceed the height allowance by more than 20 percent and they were within this. There was also no screening requirements for the enclosure. Berman pointed out that the hospital had a screening requirement. Tokos explained that was a deviation approval for the hospital to go with a larger enclosure than what they would otherwise be permitted to do because of the nature of their facility. Hanselman asked if the applicant was asking for this because there would be things other than the elevator shaft on the roof. Tokos suggested asking the applicant what would be on the roof.

Hanselman pointed out that building the six foot wall would create a six foot alley. He asked who would deal with this area and how this would affect the Fire Department dealing with a fire. Hanselman didn't think adding a wall was the best way to deal with the area, and thought that a six foot alley would lead to a rat infestation or become an area for homeless events or people to do drugs. Tokos explained that this was a situation where there was an old retaining wall, that wasn't on the applicants property, and needed to be repaired. Whomever originally built the condo development decided to build a retaining wall on the property line. They didn't get a maintenance easement to secure their right to maintain it and assumed that they could use somebody else's property for that purpose. The buyer was looking at making a substantial investment and asking how they could protect the building from a wall that they had no control over. Tokos thought they should reinforce or rebuild the retaining wall, and it needed to be properly engineered. This wasn't something a buyer could ferret out when purchasing a property. Tokos thought if the Commission chose to approve the request they should give a condition saying the applicants had leeway to work with the condo association to alleviate the six foot separation between the walls. Hanselman thought something needed to be done before a wall was constructed and an alley was created.

Berman noted that the staff report stated that this was in a geologic hazard area. Tokos confirmed that they would have to go through a geologic permit and get an engineering geologist to provide recommendations to build on the property that they would have to comply with it.

Applicant: John Lee, Managing Director of VIP Hospitality addressed the Commission. He reported they were a hotel management group that managed eight properties on the coast. They had two properties in Newport, one at the Inn at Nye Beach and the other at the Ocean House. Their company had been based in Lincoln City over 40 years and they had been looking to grow their footprint ever since. Lee stated they understood the market and what their customers were looking for. They determined that there was a need for and lack of premium lodging products on the Bayfront. The Inn at Nye Beach was for couples with average size of parties around 2.3 guests per stay with approximately 80 percent of them staying one to two nights. All their hotels had tools in place to communicate to guests before their arrivals. Given their tight footprint and limited parking space, they would manage these expectations for the new hotel. Lee said that the last thing they wanted was for their customers to walk away unhappy about their stay. The boutique hotel

will allow their guests to park at their site without having to look for parking and take up parking on the Bayfront. Lee stated they were looking to invest in the community.

Denny Han, architect for the applicant addressed the Commission. He noted this was a mixed use project with commercial on the first level. Han reminded that the Abbey Hotel used to be very close to the site but had burned down. They got their name from their hotel from this and it would be how they would preserve the local fabric of the existing businesses and the flow of tourism. Han reported that they decided to implement ground floor commercial in lieu of another eight guest rooms. They placed all the parking behind the retail spaces to limit the view of parked cars. The placement of the retail along the street would enhance the street experience with additional shops. Han explained they wanted to set the building back four feet to soften the urban edge to add landscaping and outdoor seating. There would be a trellis canopy above the commercial spaces. The check in, lobby, and breakfast areas would be on the second floor. Han reported that the ADA code typically required an ADA space for those types of room types. The number they had could shift depending on the number of room types they finally ended up with. Han explained that the rooms that faced the bay would have balconies the same way the Abbey Hotel had. There were portions of the building that were recessed to create a dynamic street elevation. There also wouldn't be any balconies at the rear of the building. The north and south sides of the building had recessed areas as well. There would be a vertical sign feature at the southeast corner of the building to take down the scale of that feature.

Hanselman asked if they would provide electrical vehicle (EV) charging stations. He also asked what they thought the occupancy projections would be from May to October. Lee thought the EV stations was a great idea and something they would look into. Hanselman noted this community was also water challenged. It was important to recognize how many people they could accommodate with this in mind. Lee didn't know the monthly occupancy stats. Annually it would be around 65 to 75, and the peak months would be from June to September.

Escobar asked if they would allow pets and have facilities for pet restrooms. Lee explained they allowed pets in most of their hotels. He wasn't sure where they would place the restroom areas.

Berman said that he didn't see where the trash enclosure would be and asked how they would handle this. Han reported the driveway on the north side of the property would have two trash containers.

Branigan asked how many employees there would be. Lee didn't have an answer at this time but he could get that information. Branigan asked how many commercial establishments would be there. Han reported it would be two at that time, but it could be broken up for multiple tenants. Branigan asked if one of the tenants would be an eating establishment. Han explained they requested the parking reduction in the case that it lent itself to a cafe or small restaurant. If it was small retail the parking requirement would be much less. Branigan wanted to know how many employees there would be at the hotel because it was an important factor. Blom asked what the average number of employees there were at the Nye Hotel. Lee reported it was somewhere between eight to twelve. Blom asked if these employees would work in both places. Lee reported only the general manger would do this.

Escobar asked if they gave any thought to building larger units for housing instead of a hotel. Lee reported it was something they were exploring at other sites where the costs were less. This site wasn't viable to make affording housing or workforce housing work there. The economics drove the business model and this didn't pencil in for them.

Berman asked what times the eight to twelve employees would park. Lee noted the hotel wouldn't be 100 percent occupied. Guests weren't checked in typically at the same time that the staff was working.

Updike asked what was being placed in the area above the 35 foot roofline. He also asked what the roof deck would look like and if it would be an experience for guests. Han reported that a roof deck would need an elevator. The 13 feet in this section was for the overrun for the elevator. There might be some storage on the roof and they would like to apply stairs as well. The entire rooftop wasn't meant to be used. A portion of it would be used to allow guests to capitalize on the views. There wouldn't be anything fixed on the roof that would block views of the adjacent owners. This area would be an extension of the lounge experience.

Berman noted that Han stated 13 feet but the diagram noted 8 feet. He asked for clarification on this. Han explained that on page A6.0 on plan drawings the cross section showed the one portion that was the elevator cap. Tokos noted the eight feet were off of the parapet not the roof level. Blom asked if the HVAC would be on the rooftop or somewhere else. Han reported most of the HVAC equipment would be on the roof and the laundry would be on the ground level. They could provide visual screening if it was required. Berman asked if they could do the screening within the 200 foot limitations. Han reported that screening for the HVAC was usually bigger and typically blocked by screens that were about five feet tall. He thought this might be something they could clarify in the zoning language.

Proponents: Jon Tesar addressed the Commission and reported he had two properties above the location of this property. He noted there was a lot of tall buildings and congestion in the area. Tesar thought it was a good use for this section of the Bayfront and didn't see it being disruptive. He thought the pets would need to have a green patch. Tesar also wanted to see if their plan was to have 24 hour staffing. He hoped there wouldn't be a lot of partying at the hotel. Having it fully staffed would alleviate some of these problems. Tesar didn't think the view as an issue. The bigger issue would be parking when the meters were implemented.

Steven Webster addressed the Commission. He reported that he worked and resided on the Bayfront. Webster had two properties within 100 yards of the property on the water side of the street. After hearing the staff's explanation he felt better about this. Webster felt that parking in the Bayfront had become anarchy, meaning anyone could park anywhere and at any time they wanted. He thought a hotel should be an outright use for a tourist commercial zone. Webster noted that the structural, seismic, and geologic zoning codes, and the development requirements were more rigorous than people realized. He hoped they approved this outright. Webster also thought they should change the zoning on the other side of the street from the water on the Bayfront to a C-2 zone. Escobar asked if Webster lived and owned a business on the bayfront. Webster said he lived there since 1998 and has done multiple developments.

Janet Webster addressed the Commission. She reported that she owned three properties on the Bayfront. She was in favor of this proposal and thought the western part of the Bayfront needed an anchor. They needed to have pedestrian traffic so businesses by the Coast Guard station had traffic. Webster appreciated how the hotel wanted to soften the street space. She reminded this part of the Bayfront burned down years before and there was a lot of lodging and mixed use there at that time. It had always been mixed use and having a hotel there would be great. Webster had been involved in the parking discussion for a long time. There were only around five commercial establishments that had off street parking on the Bayfront. Any parking that was provided would

be good addition for the Bayfront. Webster also reported there were only two ADA public parking spaces on the street and any additions to that would be appreciated. She thought the hotel would be a good anchor and addition to the Bayfront because Newport needed new hotels and room taxes.

Opponents: Beverly Smith addressed the Commission. She reported that she lived right in a condo above the property. She submitted a letter she wrote to the Commission to be entered into the record this hearing. Smith questioned if they should approve this request because she didn't think it was a good fit and believed the best part of Newport was that it was a working harbor. She didn't think a hotel across from a fishing facility would be good because the noise, smell and traffic blockage wasn't a good fit for it. Smith also didn't like that it would be right across from her home. The Comprehensive Plan stated that this should enhance property values and preserve the health, safety and welfare of citizens of the city of Newport. Smith thought approving the plans would destroy property values in Newport and damage the welfare of its citizens. She also thought they needed to respect the fishermen. She noted that the old Abbey Hotel had been located down the street. She was more in favor of having the Basic's Market at that location instead of a hotel. Smith thought the Commission shouldn't approve this. She also reported that she submitted additional signatures for the petition with her written testimony.

Jon Baker addressed the Commission and reported he had a condo next to Beverly Smith. The traffic congestion on the Bayfront was a concern for him. Baker questioned how multiple cars would be able to get out of the hotel when checkout happened. He also pointed out that there was a refrigeration truck that parked all night across the street from this property and it would cause a lot of complaints due to noise. Baker also questioned who would keep people from throwing things off of the roof deck. He stated he would like to submit a request to keep the public hearing open.

Darla Sweeter addressed the Commission. She stated she represented her parents that owned a condo behind the property. She asked if there would still be parking spots on Bay Boulevard in front of the hotel if this request was approved, and if the spaces would only be for guests. Tokos explained the angled parking in front would stay and it would be public parking. Sweeter was concerned that the new hotel would mean that more people would move up to their condos to park. She asked what kind of impact this would have. Tokos asked that the applicant respond to this question during their rebuttal. Sweeter asked if the space between the retaining wall and condos would be landscaped or just an open area. Tokos noted the applicant could respond to this as well. Sweeter was opposed to this proposal and thought a market would be a better fit for that area.

Charlotte Boxer addressed the Commission. She reported that she owned the property next door to this property, and she had lived upstairs from the Apollo's when it was there. Boxer noted that Apollo's was only open on Friday and Saturday nights and their parking wasn't utilized every day. The restaurants and gallery also had minimal use. Boxer felt this site was key to the west end of the Bayfront. She reported that traffic and parking was horrendous there and when she had lived there the refrigeration trucks would run all night and were loud. Boxer wondered if the applicant was aware of the noise in the area. She wanted to know what the smallest size room in the Inn at Nye Beach was. She said that 20 of the rooms on the second floor of this building were between 200 and 220 square feet. Boxer asked what the applicant had done for market research to justify rooms that were this small. She agreed that the west side of the Bayfront needed an anchor. The Bayfront had changed dramatically in the last 50 years. Boxer suggested they read the Yelp reviews about the Bayfront that talked about the lack of parking in the area and the smell of the fish plants. She thought this looked like a chain hotel and a big box that took up the whole site. Boxer pointed out that people got into fights over parking in the area and that the compact spaces would be an issue. Cars had gotten bigger over the years and would be an issue. Boxer also noted that southwest

13th Street took the brunt of the traffic overflow. She felt this was an overbuild of the site and was opposed to it.

Escobar pointed out that Boxer had submitted a testimony letter with signatures. He asked her to clarify her comments that stated the Comprehensive Plan said the hillside above the Bayfront had been identified as very picturesque and worthy of preservation. Boxer explained she submitted a copy of the Comprehensive Plan to state verbatim what was in the plan. She thought it should be noted that the Comprehensive Plan addressed adverse conditions that affected the surrounding buildings and their surrounding neighborhood. Boxer questioned how she would have access to the sides of the building she owned when this was built. She thought people's property value would be affected by an approval. Boxer reminded that the Basics Market proposal was only two stories high. This project was abandoned because it didn't make financial sense for them to do one grocery store in one market. Boxer thought a good majority of the VIP properties had surface parking. She wanted to know how many parking spots there were at the Inn at Nye Beach in relation to their 30 rooms. Boxer questioned if the developers spent any time on the Bayfront to understand the noise or congestion there would be. She felt the loss of value would be substantial if this was approved.

Darla Sweeter readdressed the Commission. She noted that the hotel was for people to experience the Bayfront, but their experience will actually be the condos and the Bornstein fish plant. Sweeter questioned if that would be the view that the hotel would want.

Amber Wishoff addressed the Commission. She stated she lived in the condos above the property. Wishoff knew that when they were talking about building the Basics Market she knew it would block the view of her condo. She felt that Apollo's had the hours and use that were complementary for the area and the hotel would be different. Currently, people who worked on the Bayfront would park on 13th Street. Wishoff didn't think the hotel's parking addressed the employees. She didn't think this was the best fit for a hotel. This wasn't just about adding more parking spots, it was more about the time of day. If they added a hotel it would become harder to park in the area. This would become a safety issue for her because it would force her to park far away from her house at night because parking spaces were being taken up in front of her condo. Wishoff heard a lot of noise and saw a lot of congestion in the area. The hotel would increase this and make things more complicated. She noted that Apollo's was a different use than a hotel. It was also a building that didn't have windows on the back side. Wishoff noted that the hotel would have a wall of windows on the back side. She liked that they weren't going to do balconies, but didn't like that she would now just have a view of hotel windows. This would block their views and made the use of her deck space no longer an option because she would be on view for the hotel guests. Wishoff thought that if they ever tried to sell their condo this would affect their property value. She noted her condos don't allow pets, and worried about there not being a patch of land that dogs could be walked to from the hotel. This would create a significant amount of pet traffic. Wishoff thought this came down to the quality of life in the community and they needed to look at the safety and impact to the community. She would rather the Commission do a delayed decision. Wishoff thought the concept of blending the hotel seamlessly in the area didn't make sense. She hoped the Commission would take a stroll through the area at different times of the day to see what the impact would be. Wishoff noted there were homeless persons around the gallery and the sound from the open space from them was very loud at her condo.

Lyn Baker addressed the Commission and noted that the condominium was relatively small. The parking was a problem for them and they accepted that in the summer they wouldn't have a place to park. Baker thought the meters would help with parking but people would still come up to their street to park. She noted that the condo owners had endured this for years and thought the hotel

would be the nail in the coffin for them. Baker also noted that the pets would be an issue because the hotel wouldn't have a designated place for them. Escobar asked if the repair of the retaining wall should be brought to the Home Owner's Association (HOA) to consider. He also asked if the people on the second level of the condos would lose their views. Baker reported they would all lose their views and 90 percent of the top floor condos would as well.

Rebuttal: John Lee reported that there would be no rooms smaller than 300 square feet in the new hotel. The Inn at Nye Beach had 29 parking spaces and 38 rooms. Those parking spaces were more compact than the ones that are being proposed here. Lee noted that VIP Hospitality was aware that non view rooms would be priced at a lower rate and they were planning accordingly. There was demand for lower priced room products in Newport. Denny Han reported the six foot alleyway wouldn't be visible from the condos. The wall would be six to eight feet tall and there to protect visitors who are parked in the area. There would be access to this area to address issues of waste and trash, and the hotel would maintain the area. Han noted they had a specialist look at the existing retaining wall who found that it had deficiencies. They wanted to address these issues and make sure it was done in communication with the condo HOA to address any concerns. Doing this would allow the area to be used in a useful way, to add things like landscaping. Han explained that the property zoning ordinance allowed them to build up to the property line. Their lot coverage would be about 80 percent and not cover the entire lot. Lee stated they wanted to work out the retaining wall issue and try to fix it before they developed. This process was complicated. There were a legal issues that needed to be addressed before this could be done and they didn't know what that would cost. Lee reported that they couldn't do this within the 30 days of due diligence. They were proposing the addition of the wall so they at least had a solution to the retaining wall. Lee stated that he hoped the Commission would consider approving the request.

Blom asked if the current wall was built by the condo association. Tokos reported it was built by the developer. Berman asked if the concrete cinder block wall was part of the condo property. Tokos explained this was on another adjoining property and any work on that would need to be coordinated with whomever was responsible for this wall.

Tokos explained that anybody could ask for a continuation of the hearing. The Commission could continue it to the next meeting on March 27th or they could do an open record period for additional testimony for seven days for rebuttal. Tokos recommended they continue it to March 27th date. If they did a continuation, they could ask the applicant to provide information on items that weren't included, such as what the pet accommodations would be, what an alternative parking layout would look like, clarification on the ADA requirements, and clarification on what the rooftop equipment and appurtenances would be. Boxer noted there were questions on the clarification of the room sizes. Hanselman also noted there were questions concerning the staffing involved. Lee reported they would be staffed 24 hours. Hanselman also wanted to know about pet areas and EV charging stations. Tokos noted there was a question on the peak hours trips. The PM peak hours would be 29, the AM peak hours would be 39, with an average daily trip count of 381 for the hotel. The question on why these numbers wouldn't be higher for a hotel than other uses was because hotels and motels distributed traffic over a longer period of time. The trip distribution was different and why it was lower.

Udike wanted to know if they looked at an option of a one way route for the parking area access instead of a two way configuration. He asked if it was feasible to do a one way through with a second exit by reducing the commercial retail area on one side. This might allow them to move the wall closer to the existing retaining wall and add room for tandem spaces for staff.

MOTION was made by Commissioner Escobar, seconded by Commissioner Blom to continue the hearing to the March 27, 2023 regular session meeting. The motion carried unanimously in a voice vote.

6. **New Business.** None were heard.

7. **Unfinished Business.**

A. **Planning Commission Work Program Update.**

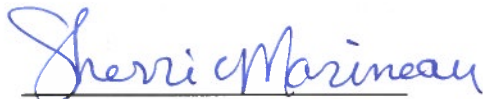
Tokos would update the program to add the continued hearing to March 27th. There would be two other hearings on that date as well. This included a nonconforming use permit for NW Natural, and the Fisherman's Wharf subdivision that was coming back from 2018 that they never see through. Tokos noted the hearing for the Conditional Use Permit for the South Beach Church would happen on April 10th. Then another Conditional Use Permit would be coming for a Samaritan drug and alcohol rehabilitation office in Agate Beach in late April or May.

Hanselman asked if they should set time limits for public testimony. Berman thought they should set it to four to five minutes. Escobar noted that the people who were heard at this meeting were impacted by the decision and should be given time so they were heard.

8. **Director Comments.** None were heard.

9. **Adjournment.** Having no further business, the meeting adjourned at 9:52 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant